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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MATTHEW SMITH,

Defendant.

Case No. 2:20-mj-00123-DJA

Stipulation to Continue Preliminary
Hearing Date (First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A. Trutanich, United States Attorney, Travis Leverett, Assistant United States Attorney, counsel for the United States of America and Erin Gettel, counsel for defendant Matthew Smith:

THAT THE PRELIMINARY HEARING CURRENTLY SCHEDULED FOR March 11, 2020, at 4:00 p.m. before U.S. Magistrate Judge Albregts be vacated and set to a time convenient for the Court, but no earlier than the afternoon of March 24, 2020, thirteen (13) days from the current setting.

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1 This stipulation is entered into for the following reasons:

- 2 1. The government is seeking to obtain and review additional discovery before
- 3 presenting this case to the grand jury.
- 4 2. Defense counsel and counsel for the government agree to the continuance.
- 5 3. The defendant is in custody and agrees to the continuance
- 6 4. Denial of this request for continuance could result in a miscarriage of justice.
- 7 5. The additional time requested by this Stipulation is excludable in computing the time
- 8 from the filing of the criminal complaint through which the government must assert
- 9 an criminal Information or seek an Indictment by the Grand Jury pursuant to the
- 10 Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when
- 11 considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)
- 12 and 3161(h)(7)(B)(iv).
- 13 6. This is the first request for a continuance.

14 Dated this 5th day of March 2020.

15 Respectfully Submitted,

16 NICHOLAS A. TRUTANICH
17 United States Attorney

18 /s/ Travis Leverett
19 TRAVIS LEVERETT,
Assistant United States Attorney

20 /s/ Erin Gettel
21 ERIN GETTEL,
22 Assistant Federal Public Defender
23 Counsel for Matthew Smith
24

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8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

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13 Defendant.

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14 FINDINGS OF FACT

15 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
16 Court finds that:

- 17 1. The period within which the government may assert an Information or seek an
18 Indictment through the Grand Jury against the defendant is hereby extended from
19 the date of the filing of the complaint up through and including March 24, 2020.
- 20 2. The government is seeking to obtain and review additional discovery before
21 presenting this case to the grand jury.
- 22 3. Both counsel for the defendants and counsel for the government agree to the
23 continuance.
- 24 4. The defendant is in custody and agrees to the continuance.

5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

6. This is the first request to continue the preliminary hearing.

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing.

ORDER

IT IS ORDERED that the preliminary hearing currently scheduled for March 11, 2020, at 4:00 p.m. be vacated and continued to the 30th day of March 2020, at the hour of 4:00 p.m.

DATED this 6th day of March 2020.


UNITED STATES MAGISTRATE JUDGE